Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. 1 DISTRICT COURT at Scattle, Washington. 2 3 Deputy 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 CR22-078 PAT 10 UNITED STATES OF AMERICA, NO. 11 Plaintiff **INDICTMENT** 12 13 V. 14 KARA SUNEVA ALLEN, a/k/a KARA SUNEVA MITCHELL, 15 16 Defendant. 17 The Grand Jury charges that: 18 At all times relevant to this Indictment: 19 Relevant Individual and Entity 20 1. Defendant KARA SUNEVA ALLEN (a/k/a KARA SUNEVA 21 MITCHELL) was a resident of Ferndale, Washington. 22 2. Keepin Up With Kara LLC, a business specializing in selling counterfeit 23 handbags, jewelry, and other accessories (among other items), was incorporated on June 24 29, 2021. ALLEN was the company's registered agent, and ALLEN and her husband 25 were the company's governors. The business operated out of two adjoining suites within 26 a warehouse in Ferndale, Washington. 27

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Indictment - 2
United States v. Allen

USAO No. 2021R01394

3. ALLEN maintained a website, www.keepinupwithkara.com, through which she marketed and sold the counterfeit goods, many of which were described as "1:1 Quality Inspired Bags and Accessories." ALLEN further promoted her business through at least one private Facebook group, where she posted images and videos of counterfeit merchandise as well as hyperlinks to her website where consumers could view and purchase these goods.

Trademark Protection

- 4. The United States Patent and Trademark Office ("USPTO") is an agency of the United States Department of Commerce that is responsible for granting patents and registering trademarks in the United States. A trademark is a word, phrase, symbol, or design (or combination thereof) that is used to identify goods or services, and which helps customers distinguish among those goods and services in the marketplace. By registering trademarks, the USPTO aids businesses in protecting investments in their brand, and safeguards consumers against confusion, mistake, or deception in the marketplace.
- 5. The USPTO reviews trademark applications to determine if a trademark meets the requirements to be registered. If approved for registration, the USPTO issues a certificate for the trademark containing a unique registration number that can be used to identify the trademark.

Trademark Holders

- 6. Chanel, Inc. ("Chanel") was a corporation organized under the laws of the United States and headquartered in New York, New York. Chanel owned the company's trademarks in the United States.
- 7. Guccio Gucci S.p.A. ("Gucci") was a corporation organized under the laws of Italy and headquartered in Florence, Italy. The company's trademarks in the United States were owned by Gucci America, Inc., a corporation organized under the laws of New Jersey and headquartered in New York, New York.

- 8. Hermès International ("Hermès") was a corporation organized under the laws of France, having its principal place of business in Paris, France. Hermès owned the company's trademarks in the United States.
- 9. Louis Vuitton Malletier ("Louis Vuitton") was a Société par actions simplifiée (SAS) organized under the laws of France, having a principal place of business in Paris, France. Louis Vuitton owned the company's trademarks in the United States.
- 10. Prada S.p.A. ("Prada") was a corporation organized under the laws of Italy and headquartered in Milan, Italy. The company's trademarks in the United States were owned by Prada S.A., an entity with a registered office in Luxembourg.
- 11. The above-referenced companies designed, manufactured, and marketed goods—including handbags, wallets, belts, and other accessories—and owned the following trademarks:

| Company | USPTO Registration No. | Description |
|---------------------|------------------------|---|
| Chanel | 1733051 | "CHANEL" Word Mark |
| Chanel | 1734822 | "CC" Word Mark |
| Gucci America, Inc. | 5073022 | "GG" Word Mark |
| Hermès | 3939358 | Design Mark for handbag |
| Hermès | 4278653 | "HERMÈS" Word Mark |
| Louis Vuitton | 0297594 | "LV" Word Mark and Design |
| Louis Vuitton | 1990760 | "Louis Vuitton" Word Mark |
| Louis Vuitton | 2361695 | "LV" Word Mark |
| Prada S.A. | 1873854 | "PRADA MILANO DAL 1913" Word Mark and Design |
| Prada S.A. | 4843465 | "PRADA MILANO DAL 1913" Word Mark and Design |

Indictment - 3 United States v. Allen USAO No. 2021R01394

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COUNT 1

(Trafficking in Counterfeit Goods or Services)

- 12. The allegations set forth in paragraphs 1 through 11 are re-alleged and incorporated by reference as if set forth in full herein.
- District of Washington, and elsewhere, KARA SUNEVA ALLEN (a/k/a KARA SUNEVA MITCHELL) did intentionally traffic in goods, specifically, a Louis Vuitton handbag and accessories, and, on and in connection with such goods, knowingly used counterfeit Louis Vuitton marks identical to, and substantially indistinguishable from, genuine marks registered on the principal register in the USPTO and in use during ALLEN's trafficking, and the use of such counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Sections 2320(a)(1) and 2.

COUNT 2

(Trafficking in Counterfeit Goods or Services)

- 14. The allegations set forth in paragraphs 1 through 11 are re-alleged and incorporated by reference as if set forth in full herein.
- District of Washington, and elsewhere, KARA SUNEVA ALLEN (a/k/a KARA SUNEVA MITCHELL) did intentionally traffic in goods, specifically, an Hermès handbag, a Prada card wallet, and a Gucci belt, and, on and in connection with such goods, knowingly used counterfeit Hermès, Prada, and Gucci marks identical to, and substantially indistinguishable from, genuine marks registered on the principal register in the USPTO and in use during ALLEN's trafficking, and the use of such counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Sections 2320(a)(1) and 2.

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COUNT 3

(Trafficking in Counterfeit Goods or Services)

- The allegations set forth in paragraphs 1 through 11 are re-alleged and 16. incorporated by reference as if set forth in full herein.
- 17. On or about May 2, 2022, in Whatcom County, within the Western District of Washington, and elsewhere, KARA SUNEVA ALLEN (a/k/a KARA SUNEVA MITCHELL) did intentionally traffic and attempt to traffic in goods, specifically, Chanel and Louis Vuitton accessories, and, on and in connection with such goods, knowingly used counterfeit Chanel and Louis Vuitton marks identical to, and substantially indistinguishable from, genuine marks registered on the principal register in the USPTO and in use during ALLEN's trafficking and attempted trafficking, and the use of such counterfeit marks was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Sections 2320(a)(1) and 2.

FORFEITURE ALLEGATION

The allegations contained in Counts 1 through 3 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture. Upon conviction of the offenses alleged in Counts 1 through 3, KARA SUNEVA ALLEN (a/k/a KARA SUNEVA MITCHELL) shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2323, any article, the making or trafficking of which is prohibited under Title 18, United States Code, Section 2320; any property used, or intended to be used, in any manner or part to commit or facilitate the offense; and any property constituting or derived from any proceeds obtained directly or indirectly as a result of the offense.

Substitute Assets. If any of the above-described forfeitable property, as a result of 1 2 any act or omission of the defendant, 3 cannot be located upon the exercise of due diligence; 4 h. has been transferred or sold to, or deposited with, a third party; 5 has been placed beyond the jurisdiction of the Court; c. 6 d. has been substantially diminished in value; or, 7 has been commingled with other property which cannot be divided e. 8 without difficulty, it is the intent of the United States to seek the forfeiture of any other property of the 10 defendant, up to the value of the above-described forfeitable property, pursuant to Title 21, United States Code, Section 853(p). 11 12 13 A TRUE BILL: 14 DATED: OI JUNE 2022 15 16 Signature of Foreperson redacted pursuant 17 to the policy of the Judicial Conference of the United States. 18 19 **FOREPERSON** 20 21 NICHOLAS W. BROWN 22 United States Attorney 23 24 THOMAS WOODS Assistant United States Attorney 26 Special Assistant United States Attorney

Indictment - 6 *United States v. Allen*USAO No. 2021R01394